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THE TRAVANCORE-COCHIN IRRIGATION BILL AND THE TRAVANCORE-COCHIN IRRIGATION (LEVY OF BETTERMENT CONTRIBUTION AND WATER CESS) BILL

(REPORT OF THE SELECT COMMITTEE.)

The Select Committee to which the two Bills have been re-committed under rule 90 (1) (b) of the Rules of Procedure and Conduct of Business in the Travancore-Cochin Legislative Assembly have, in pursuance of the direction given by the house on the 6th October 1955, combined the provisions of the two Bills as reported by the Select Committees. A copy of the combined Bill; namely the Travancore-Cochin Irrigation Bill, is appended to this report.

2. In combining the provisions of the two Bills, the following changes have been effected:—

(1) Clause 2 of the combined Bill incorporates all the terms defined in clause 2 of the Travancore-Cochin Irrigation Bill and the Travancore-Cochin Irrigation (Levy of Betterment Contribution and water cess) Bill. The definitions of certain terms defined in clause 2 of the latter but not defined in the former have been inserted at appropriate places in clause 2 of the combined Bill.

(2) The provisions contained in clauses 3, 4, 6, 7, 8, 9, 10, 11, 12, 13 and 14 of the Travancore-Cochin Irrigation (Levy of Betterment Contribution and Water Cess) Bill are incorporated in Part IV in the combined Bill.

(3) Clause 5 of the Travancore-Cochin Irrigation (Levy of Betterment Contribution and Water Cess) Bill relating to levy of water cess is combined with clause 15 of the Travancore-Cochin Irrigation Bill with suitable modifications and is incorporated as clause 15 of the combined Bill.

(4) Provision contained in clause 26 of the Travancore-Cochin Irrigation (Levy of Betterment Contribution and Water Cess) Bill is incorporated as clause 38 of the combined Bill.

(5) The clauses empowering the Government to make rules contained in the two Bills have been combined into one clause and is incorporated as clause 44 of the combined Bill.

(6) Clause 17 of the Travancore-Cochin Irrigation (Levy of Betterment Contribution and Water Cess) Bill which makes certain provisions of the Irrigation Acts inapplicable to lands on which cess is leviable under the provisions of the Bill has been omitted as being unnecessary.

Trivandrum,
8th October, 1955.

K. I. VELAYUDHAN,
Chairman of the Select Committee.

THE TRAVANCORE-COCHIN IRRIGATION BILL.

(As reported by the Select Committee)

A Bill to provide for the construction, repair and maintenance of irrigation works, the conservation and distribution of water for purposes of irrigation and for the levy of betterment contribution and water cess.

Preamble. Whereas it is expedient to provide for the construction, repair and maintenance of irrigation works, the conservation and distribution of water for purposes of irrigation and for the levy of betterment contribution and water cess;

Be it enacted in the Sixth Year of the Republic of India as follows :—

PART I.

PRELIMINARY.

1. *Short title, extent and commencement.* (1) This Act may be called the Travancore-Cochin Irrigation Act, 1955.

(2) It extends to the whole of the State of Travancore-Cochin.

(3) It shall come into force on such date as the Government may, by notification in the Gazette, appoint.

2. *Definitions.* In this Act, unless the context otherwise requires,

(1) "Collector" means the Collector of a District;

(2) "contribution" means the betterment contribution referred to in Section 17;

(3) "irrigation" with its grammatical variations shall include "drainage" with its corresponding variations;

(4) "Irrigation Officer" means an Officer appointed by the Government to perform all or any of the functions of an Irrigation Officer under this Act;

(5) "irrigation work" includes—

(a) all canals, channels, reservoirs and tanks which are intended or which are or may be used for the supply and storage of water for agricultural purposes;

(b) all works, embankments, structures, supply and escape channels connected with such canals, channels, reservoirs or tanks;

(c) all water-courses which are supplied with water from such canal, channel, reservoir or tank;

(d) all drainage works, that is to say, canals, channels, escape channels from a canal, channel, reservoir or tank, dams, weirs, embankments, sluices, groynes or other works for the protection or benefit of agricultural lands or for the reclamation of kole lands, kayal lands, kari lands or such other lands; and

(e) all lands occupied by the Government for the purposes of such canals, channels, tanks, reservoirs and all buildings, machinery, fences, gates and other erections occupied by or belonging to the Government upon such lands;

(6) "land-holder" in relation to any land means the person liable to pay to the Government the public revenue due on the land:

Provided that in respect of any land comprised in the holding of a kanam tenant in the territory to which the Cochin Tenancy Act, XV of 1113 extends, the kanam tenant and not the jenmi shall be deemed to be the landholder in respect of such land;

(7) "lift irrigation work" means an irrigation work by which water for irrigation purposes is supplied with the aid of pumping sets or other mechanical devices;

(8) "major irrigation work" includes lift irrigation work and all irrigation works irrigating or useful for the drainage or protection of an extent of over 200 acres;

(9) "majority of proprietors" means proprietors of more than one half of the acreage benefited by an irrigation work;

(10) "minor irrigation work" includes all irrigation works other than major and petty irrigation works;

(11) "notification" means a notification published in the Gazette;

(12) "petty irrigation work" includes all irrigation works irrigating or useful for the drainage or protection of an extent of not over five acres;

(13) "prescribed" means prescribed by rules made under this Act;

(14) "proprietor" means the owner of the land and includes the cultivator or person in actual possession of such land.

3. *Conferment of powers.* The Government may, from time to time, by notification in the Gazette, invest any officer either by name or by virtue of his office, or any Board constituted under this Act or any member thereof with all or any of the powers or duties hereinafter conferred or imposed by or under this Act and shall declare the local limits within which such powers or duties shall be exercised or performed.

PART II.

PETTY AND MINOR IRRIGATION WORKS.

4. *Construction, repair, and maintenance of petty irrigation works.* (1) The construction, repair and maintenance of all petty irrigation works shall devolve upon the Panchayat within whose local limits such petty irrigation works are situated :

Provided that the construction, repair and maintenance of petty irrigation works shall, in local areas where according to custom such works are carried out, repaired or maintained by the Government wholly at their cost, devolve upon the Government.

(2) The Panchayat may, with the previous sanction of the Government, levy an annual cess on any area benefited by a petty irrigation work constructed, repaired or restored wholly at the cost of the Panchayat.

(3) Such cess shall be fixed upon an acreage basis and so as to ensure to the Panchayat a return not exceeding three per cent. on the capital outlay after making provision for depreciation and maintenance.

5. *Construction, repair and maintenance of minor irrigation works.* (1) Save as otherwise provided, the construction, repair and maintenance of all minor irrigation works shall devolve upon the Government.

(2) The Government may levy an annual cess on any area benefited by a minor irrigation work constructed wholly at the cost of the Government.

(3) The cess under sub-section (2) shall be fixed upon an acreage basis and so as to ensure to the Government a return not exceeding three per cent. on the capital outlay after making provision for depreciation and maintenance.

(4) If the majority of proprietors agree to repay the cost of any minor irrigation work constructed wholly at the cost of the Government, no cess shall be leviable on the lands benefited by such work, but the proprietors shall be liable to maintain the work. The cost of such work shall be a first charge on the lands benefited and shall be recovered *pro rata* from such lands as arrears of public revenue in such equal annual instalments, not less than five, as may be fixed by the Government, from time to time :

Provided that the Government may remit in whole or in part the cost of any such work.

(5) The Government may levy an annual cess on any area benefited by a minor irrigation work existing at the commencement of this Act and which is restored or repaired after such commencement wholly at the cost of the Government.

(6) The cess under sub-section (5) shall be fixed upon an acreage basis and so as to ensure to the Government a return not exceeding three per cent. on the total cost incurred by them after making provision for the cost of maintenance of such work.

(7) Nothing in sub-sections (2), (3), (4), (5) and (6) shall apply to minor irrigation works in local areas where according to custom the construction, repair and maintenance of such works are carried out by the Government wholly at their cost.

6. *Procedure of the Collector on application for execution of new minor irrigation works.* If in any local area the Collector is satisfied on the application of any proprietor interested in a minor irrigation work or otherwise and after making such enquiries as he may deem necessary that the work should be executed in the interest of the majority of proprietors, he may cause a plan and an estimate of the work and a specification of the lands likely to be benefited thereby to be prepared.

7. *Notice to put in objections.* The plan, estimate and specification prepared under Section 6 shall be forwarded to the Government and an abstract of the estimate and the specification of the lands likely to be benefited shall be published in the Gazette with a notice calling upon all persons concerned who may have any objection to the work being done to put in their objections before the Collector within a time to be specified in the notice. Such notice shall also be served upon the proprietors concerned. The Collector shall hear and record the objections, if any, which may be put in and forward the same to the Government with his opinion.

8. *When Government may carry out the work.* If no objections have been put in or if the majority of proprietors agree to the work, the estimate may be sanctioned and the work carried out at the cost of the Government. In any case in which the majority of proprietors do not agree, if it be found, after duly considering their objections, that the work proposed should be executed in the interest of the proprietors, the Government may order the work to be carried out at the cost of the Government.

9. *Accident to any petty or minor irrigation work.* (1) If in the case of any accident being apprehended or happening to any petty or minor irrigation work, any work in the nature of an urgent repair is needed, failure to carry out or delay in carrying out which is likely to cause serious damage, the Collector may, notwithstanding anything contained in Sections 4 to 8, order the execution of such work at the cost of the Government and forthwith report to the Government, and in the case of petty irrigation works to the Panchayat concerned, the action taken by him.

(2) The cost of any work carried out under sub-section (1) shall be recoverable—

(*a*) in the case of a petty irrigation work, from the Panchayat concerned; and

(*b*) in the case of a minor irrigation work, the cost of construction of which is recoverable under sub-section (4) of Section 5, *pro rata* from the proprietors.

10. *Execution of work for the proper maintenance of petty and minor irrigation works.* It shall be the duty of the irrigation officer to periodically inspect all petty and minor irrigation works situated within the local limits of his jurisdiction, and to report to the Collector the condition of those works. If the Collector finds that any work is to be executed for the satisfactory maintenance of any petty or minor irrigation work, he may, in the case of a minor irrigation work, execute the work at the cost of the Government and with their sanction, and in the case of a petty irrigation work, require the Panchayat concerned to execute the work within such time as may be fixed by him. If the work is not executed within the time fixed, the Panchayat shall be deemed to have made default in performing a duty imposed by this Act and the provisions of Section 38 of the Travancore-Cochin Panchayats Act, 1950 (Act II of 1950) shall, so far as may be, apply in relation to the execution of any such work.

PART III.

MAJOR IRRIGATION WORKS.

11. *Construction, repair and maintenance of major irrigation works.* The construction, repair and maintenance of all major irrigation works shall devolve on the Government.

12. *Procedure of construction of major irrigation work.* If in any local area, the Collector is satisfied on the application of any proprietor or otherwise, that any new major irrigation work should be constructed or repaired, such officer may cause a plan and an estimate of the work and a specification of the lands likely to be benefited thereby to be prepared.

13. *Investigation of objections.* The plan, estimate and specification prepared under Section 12 shall be forwarded to the Government and an abstract of the estimate and the specification of the lands likely to be benefited shall be published in the Gazette with a notice calling upon all persons concerned who may have any objection to the work being done to put in their objections before the Collector within a time to be specified in the notice. The Collector shall hear and record the objections, if any, which may be put in and forward the same to the Government with his opinion.

14. *When the Government may carry out the work.* If it be found after duly considering the objections that the work proposed should be executed in the interests of the proprietors, the Government may order the work to be carried out at the cost of the Government.

15. *Power to levy cess.* (1) The Government shall be entitled to levy an annual cess on any land benefited by a major irrigation work the construction, expansion or alteration of which the Government have undertaken.

Explanation:—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed provided such non-enjoyment is due solely to action or inaction on the part of the person or persons in actual occupation of such land.

(2) In the case of lands benefited by a major irrigation work the construction, expansion or alteration of which the Government have undertaken before the 1st January 1943, the cess leviable under sub-section (1) shall be fixed upon an acreage basis and so as to ensure to the Government a return not exceeding three per cent. on the capital outlay after making provision for depreciation and maintenance.

(3) In the case of lands benefited by a major irrigation work, the construction, expansion or alteration of which the Government have undertaken after the 31st December 1942, the cess leviable under sub-section (1) shall be at the following rates:—

(a) dry lands converted into wet lands and on which two or more crops are raised ..	Rs. 10 per acre;
(b) dry lands converted into wet lands and on which only one crop is raised ..	Rs. 6 per acre;
(c) lands already registered as single crop wet lands and on which two or more crops are raised ..	Rs. 6 per acre; and
(d) all other lands already registered as wet lands ..	Rs. 5 per acre.

Provided that in cases where irrigation water is availed of by bailing or by means of mechanical contrivance, the water cess leviable shall be at 50 per cent. of the rates specified in clause (a) or clause (b) or clause (c) or clause (d), as the case may be.

(4) Arrears of cess levied under this section shall bear interest at the rate of four per cent. per annum.

16. *Irrigation officer to report periodically on condition of major irrigation work.* It shall be the duty of the Irrigation Officer to periodically inspect all major irrigation works and report to the Chief Engineer the condition of those works. The Chief Engineer may on being satisfied from the report or from other reliable information that any work is to be executed for the proper maintenance of the work, execute the work at the cost of the Government.

PART IV.

BETTERMENT CONTRIBUTION.

17. *Levy of betterment contribution*:—The Government shall be entitled to levy a betterment contribution, in accordance with the provisions of this Part from the landholder of any land which, in their opinion, is benefited by any major irrigation work the construction, expansion or alteration of which the Government have undertaken after the 31st December 1942.

Explanation:—A land shall be deemed to be benefited notwithstanding that the benefit is not enjoyed provided such non-enjoyment is due solely to action or inaction on the part of the person or persons interested in such land.

18. *Amount of betterment contribution*:—(1) The lands benefited by the construction, expansion or alteration of any major irrigation work shall be divided into suitable classes by the Government and the annual increase in the gross produce of each class of lands consequent on the provision of irrigation facilities shall be estimated:

Provided that all lands which are of the same *taram* and which, judged by their commandability, are so situated as to derive the same amount of benefit from the work shall be placed in the same class.

(2) The annual increase in the gross produce shall be estimated with reference to the average of the prices prevailing during the five years immediately preceding the date of making such estimate.

(3) Twenty times the annual increase in the gross produce estimated under sub-section (1) shall be deemed to be the increase in the capital value of each class of lands; and one-fourth of the sum by which the said increase in the capital value exceeds the cost (estimated in the prescribed manner) of making the lands fit for advantageous irrigation under the major irrigation work shall be the contribution payable in respect of such class of lands.

Explanation:—The cost of making the lands fit for advantageous irrigation shall include the cost of converting dry land into wet land.

(4) The contribution payable in respect of each class of lands expressed in terms of rate per acre shall be notified in the Gazette and in such other manner, if any, as may be prescribed:

Provided that the officer authorised in that behalf shall, before determining the contribution under the foregoing provisions of this section, publish his proposals in the prescribed manner and shall consider suggestions and objections received within the time allowed:

Provided further that, against a decision with respect to contribution notified under sub-section (4), an appeal shall lie to the prescribed authority and any modification made on such appeal shall be notified in the prescribed manner.

(5) Decisions with respect to contribution notified under sub-section (4) shall, subject to the right of appeal provided in the said sub-section, be final, shall be binding on all persons having interest in the lands and shall not be liable to be questioned in a Court of law.

19. *Contribution recoverable as arrear of land revenue.*—Contribution payable under this Part in respect of any land shall be deemed to be public revenue due upon the said land; and the land, the buildings upon it and its products shall be regarded as the security of the contribution. When the whole or portion of an instalment of the contribution payable in any year is not paid on the due date, the amount of the instalment or its unpaid portion shall be deemed to be an arrear of land revenue and the provisions of the Travancore-Cochin Revenue Recovery Act 1951 (Act VII of 1951), shall apply to the recovery of the said arrear as they apply to the recovery of the revenue due on the land.

20. *When contribution becomes payable.*—(1) Contribution shall become payable under this Part on a written notice of demand therefor issued by an officer authorised by the Government in this behalf being served on the landholder:

Provided that no such notice shall be served until the expiry of two years after the date of provision of irrigation facilities to the land concerned.

(2) For the purpose of sub-section (1), the date of provision of irrigation facilities to a particular area commanded by the major irrigation work shall be the date which the Government may, by notification, specify.

(3) For the avoidance of doubt, it is hereby declared that it shall not be necessary to serve notice on any person other than the landholder, who has an interest in the land or on a successor in-interest of the landholder or in respect of any instalment of the contribution.

21. *Mode of payment of contribution*:—(1) The contribution payable by a landholder shall be paid by him in twenty equal annual instalments:

Provided that he shall be entitled to pay the entire contribution with a rebate of twenty per cent. within a period of one year from the date on which he becomes liable to pay the contribution.

(2) Arrears of instalments of the contribution shall bear interest at the rate of four per cent. per annum.

22. *Rebate in certain cases.* If the Government accept any money from any person for the construction, expansion or alteration of any major irrigation work and such person becomes liable to pay contribution in respect of any land benefited by such construction, expansion or alteration, the sum accepted from him shall be credited towards the contribution payable by him.

23. *Right of reimbursement in respect of contribution.* Where in respect of a particular land two or more persons are liable to pay contribution under this Part nothing in this Part shall be deemed to affect the right of each such person to reimbursement from the other.

24. *Tenant or mortgagee liable to pay instalment of contribution.* Notwithstanding anything contained in Sections 17, 19, 20 and 21, where any land benefited by a major irrigation work is in the occupation of a tenant under a lease and the lessor is not entitled to enhance the rent either under any law governing the lease or under the contract of tenancy, or where such land is in the possession of a mortgagee, the liability to pay the instalment of the contribution falling due during the period of occupation or possession shall be on the tenant or the mortgagee, and the amount so due shall be a charge on the interest of such tenant or mortgagee in the said land and it shall be recoverable from such tenant or mortgagee as an arrear of land revenue and the provisions of Sections 17, 20 and 21 shall apply in relation to any such instalment as they apply in relation to an instalment due from a landholder.

25. *Exemption.* If, in the opinion of the Government, the enforcement or strict enforcement of all or any of the provisions of this Part will cause hardship in any case or cases, the Government may, by notification, setting out the grounds therefor, exempt either permanently or for a specified period, such case or cases from all or any of the provisions of this Part, subject to such conditions, if any, as the Government may deem fit to impose.

26. *Postponement of recovery of contribution.* Where there has been a failure of crops in any area, the Government may, notwithstanding anything contained in this Part or the rules made under this Act, postpone for such period as they may think fit, the recovery of any instalment of the betterment contribution.

27. *Non-Liability of Government for losses etc.* No claim shall lie against the Government for compensation or for the refund of any instalment or portion thereof of the betterment contribution on account of the loss occasioned by the failure or stoppage of water in a canal or by any cause beyond the control of the Government.

PART V.

Obtaining Materials in Emergencies.

28. *Impressment of materials for urgent works of repair, etc.* (1) Whenever it appears to an Irrigation Officer that unless some work or repair is immediately executed any irrigation or drainage work would sustain such serious damage as to cause sudden and extensive public injury, such officer or other person authorised by him in this behalf may enter upon or into any immovable property in the neighbourhood of any such irrigation or drainage work and take possession of, appropriate and remove any trees and any timber, bamboos, mats, ropes, straw, earth, stones or other materials found in or upon such property, and use the same for the purpose of such work, repair or clearance. The Irrigation Officer or other person authorised by him who appropriates and removes any materials as aforesaid shall prepare an inventory thereof and keep it as record with his signature affixed thereto.

(2) Every person authorised under sub-section (1) shall be deemed to be a public servant within the meaning of the Indian Penal Code 1860 (Central Act XLV of 1860).

29. *Payment for the materials taken.* All persons whose materials may be taken under Section 28 shall, as soon as may be reasonably practicable and in any case within 15 days from the date on which the work or repair was completed, be paid by the Irrigation Officer for such materials at 25 per cent. in excess of their prevailing market rate.

30. *Compensation for damage done in taking materials.* Whenever as a result of the removal under Section 28 of any trees, bamboos, earth, stone or other materials, any damage over and above the price payable for such materials results directly to any person, the Irrigation Officer shall pay to such person a reasonable amount of compensation for such damage subject to such rules as may be prescribed in this behalf by the Government.

31. *Appeal against orders under Section 30.* Against any order under Section 30, an appeal shall lie to the Collector whose decision shall be final.

PART VI.

Regulation of Water Supply.

32. *Distribution of water from irrigation works.* (1) The distribution of the water of all minor and major irrigation works constructed, repaired or maintained wholly at the cost of the Government shall be regulated by such rules or orders as may be prescribed or issued by the Government, from time to time.

(2) The distribution of water from all petty irrigation works constructed, repaired or maintained wholly at the cost of the Panchayat shall be regulated by such bye-laws as may be framed in that behalf by the Panchayat. The distribution of water from petty irrigation works, in local areas where according to custom such works are carried out, repaired or maintained by the Government wholly at their cost shall be regulated by such rules or orders as may be prescribed or issued by Government from time to time.

PART VII.

PENALTIES AND PROCEDURE.

33. *Offences punishable under the Act.* Whoever, without proper authority does any of the following acts, that is to say,—

(1) injures, alters, enlarges or obstructs any irrigation work;

(2) interferes with, increases or diminishes the supply of water in, or the flow of water from, through, over or under any irrigation work;

(3) interferes with or alters the flow of water in any irrigation work so as to endanger, injure or render less useful any such work;

(4) being entitled to the use of the irrigation work, causes or occasions waste of the water in such irrigation work or interferes with the authorised distribution of water therefrom or uses such water in an unauthorised manner;

(5) corrupts or fouls the water of any irrigation work so as to render it less fit for the purposes for which it is ordinarily used;

(6) destroys or moves any level mark or water gauge fixed by the authority of a public servant;

shall be punishable with imprisonment for a term which may extend to one month or with fine which may extend to fifty rupees or with both.

34. *Cost of carrying out work to be recovered from convicted person.* Where any person is convicted of an offence under Section 33, any Irrigation Officer may remove the obstruction or repair the damage or replace or repair the level mark or water guage in respect of which the conviction has taken place and the cost thereof shall be recoverable from such person as arrears of public revenue.

35. *Suit or application for the issue of an injunction.* Except where otherwise provided or where an order or decision is declared to be final, all claims in respect of anything done under this Act may be tried by the Civil Courts; but no such

Court shall entertain a suit or application for the issue of an injunction to restrain the exercise of any powers conferred by this Act upon the Government or any person or body of persons or any officer except where the result of the exercise of such power is solely to adjudicate the rights between private parties.

36. *Power to arrest without warrant.* Any person in charge of an irrigation work or of the distribution of water from such work may take into custody without a warrant and take forthwith before a Magistrate or to the nearest Police Station to be dealt with according to law, any person, who, within his view, commits any of the following offences:—

(1) wilfully injures or obstructs any irrigation work; or

(2) without proper authority interferes with the supply or flow of water in or from any irrigation work.

37. *Period of limitation.* The period of limitation for an appeal under this Act shall be sixty days from the date of the order appealed against.

PART VIII.

MISCELLANEOUS.

38. *Protection of action taken under Act.* No suit or prosecution or other legal proceeding shall lie against any person in respect of anything done or intended to be done in good faith under this Act or the rules made thereunder.

39. *Bar of action against Government or Panchayat.* No action shall lie against the Government or a Panchayat for not complying with the application of ryots for the construction, repair, improvement or restoration of any irrigation work.

40. *Rate of cess fixed under this Act to be final and not to be questioned by any Civil Court.* The rate of cess fixed by the Government or the Panchayat shall be final and shall not be liable to be questioned by any Civil Court.

41. *Constitution of Irrigation Boards, their functions.* (1) The Government may, by notification in the Gazette, constitute Irrigation Boards for any local area for regulating the distribution of water of any irrigation work, for keeping the irrigation work or any part thereof in repair, and for such other purposes as may, from time to time, be prescribed by the Government by rules made under this Act.

(2) The Government may by a like notification dissolve any Board constituted under sub-section (1).

42. *Delegation of powers by Government.* The Government may, by notification in the Gazette, authorise any person to exercise any one or more of the powers vested in the Collector by this Act and may in like manner withdraw such authority.

43. *Liability to pay cess.* Notwithstanding anything to the contrary contained in any law for the time being in force or in any contract, the liability to pay the cess levied by the Government or a Panchayat under this Act in respect of any land sholl be on the person in actual occupation or possession of such land at the time such cess or any instalment thereof falls due ond the amount so due shall be a charge on the interest of such person in the said land and it shall be recoverable from such person as an arrear of land revenue.

44. *Power to make rules.* (1) The Government may, after previous publicatioo, make rules to carry out all or any of the purposes of this Act not inconsistent therewith.

(2) In particulor and without prejudice to the generality of the foregoing power they may make rules as to:—

(a) the delegation of their powers to the Board of Revenue, Collectors or other authorities;

(b) the provision of such appeals and revision as may be found necessary in respect of the orders passed by any authority to whom powers may be so delegated;

(c) the manner of estimating the gross produce and prices under Section 18;

(d) the proceedings of any officer who under the provisions of this Act is required or empowered to take action in any matter;

(e) the cases in which and the officers to whom and the conditions subject to which orders and decisions given under any provision of this Act shall be appealable;

(f) the persons by whom, the time, place or manner at or in which anything for the doing of which provision is made in this Act shall be done;

(g) the number of elected and nominated members for each board, the term of office of the members of the board, the qualification and registration of electors, the time and mode of election and any other matter connected with election, the dissolution or supersession of the boards and the consequences of such dissolution or supersession, the powers and duties of the board, the conduct of business at meetings of the board, the appointment and punishment of the servants of the board and the relation between two or more boards under Section 41; and

(h) all matters expressly required or allowed by this Act to be prescribed.

(3) All rules made under this section shall be published in the Gazette and upon such publication shall have effect as if enacted in this Act.

45. *Repeal.* The Travancore Irrigation Act, III of 1072 and the Cochin Irrigation Act, VIII of 1111 are hereby repealed.

V. KRISHNAMOORTHI,
Secretary, Legislative Assembly.

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